

This record is a partial extract of the original cable. The full text of the original cable is not available.

140820Z Apr 05

ACTION EAP-00

INFO LOG-00 NP-00 AID-00 AMAD-00 CIAE-00 INL-00 DODE-00  
DS-00 EB-00 UTED-00 H-00 TEDE-00 INR-00 IO-00  
LAB-01 L-00 NSAE-00 NSCE-00 OIC-00 PA-00 PER-00  
GIWI-00 PRS-00 P-00 SP-00 IRM-00 STR-00 TRSE-00  
FMP-00 BBG-00 R-00 IIP-00 DSCC-00 PRM-00 DRL-00  
G-00 NFAT-00 SAS-00 SWCI-00 /001W  
-----DE102A 140728Z /38

FM AMCONSUL HO CHI MINH CITY  
TO SECSTATE WASHDC PRIORITY 1338  
INFO AMEMBASSY HANOI PRIORITY  
ASEAN MEMBER COLLECTIVE PRIORITY

UNCLAS HO CHI MINH CITY 000396

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: PHUM SOCI PREL KIRF PGOV VM HUMANR RELFREE

SUBJECT: APPEAL OF MENNONITE PASTOR QUANG AND MEDIA AFTERMATH

REF: A) HCMC - BCLTV 4/13 E-mail B) Hanoi - BCLTV 4/13 E-mail C)

04 HCMC 1422 823 D) HCMC 86 E) HCMC 293 F) HCMC 142

1. (SBU) Summary: On April 12, an HCMC Court denied an appeal to overturn the conviction and three-year sentence of Mennonite Pastor Nguyen Hong Quang. Quang's lawyer, Nguyen Van Dai, complained that the judge ignored his argument that Pastor Quang's "infractions" during a March 2004 altercation with police were a breach of administrative law only, and not subject to criminal penalties. ConGen officers met with representatives of several religious groups peacefully gathered outside the courthouse. Two of the Pastor Quang's followers who were released from prison in December 2004 were there; they continued to maintain that they are suffering from police abuse inflicted in prison, although they appeared and acted physically and mentally fit. (Ref D questions these allegations.) In private, Dai and another colleague of Pastor Quang told us that the Mennonites had exaggerated reports of police torture and abuse to attract greater international attention and sympathy. They said that they understood that this undermines their credibility and jeopardizes any possibility for cooperation with the Vietnamese. Nonetheless, on April 13, Dai gave an interview with Radio Free Asia (RFA) in which he mischaracterized the meeting at the Consulate General, in part by claiming that "the USG would have appropriate measures to ensure Quang's early release." End summary.

Appeal Rejected

2. (SBU) On April 12, the HCMC Appeals Court heard and rejected the appeal of Mennonite Pastor Nguyen Hong Quang to overturn his three-year sentence for "instigating a disturbance of public order and systematically resisting law enforcement officers." That ruling was handed down in the HCMC criminal court on November 12, 2004 (ref C). Pastor Quang will be eligible for release in June 2007. Two other members of the "Mennonite 6" -- Lay Pastor Pham Ngoc Thach and Le Thi Hong Lien -- also must serve out their two-year and one-year sentences. Our request to attend the appeal of Pastor Nguyen Hong Quang was denied and PolOff was not allowed to enter the courthouse.

3. (SBU) Approximately 150 people peacefully assembled outside the courthouse to support Quang, including leaders of the Protestant house church movement, a representative of the Southern Evangelical Church of Vietnam and the activist Catholic priest Father Chan Tin. Police officers established a perimeter 20 meters from the courthouse entrance. The religious leaders expressed their gratitude for the USG presence at the appeal. They noted that security officials had followed them to the courthouse and that police had attempted to convince some of them not to attend but did not stop them from doing so.

More Allegations of Torture

3. (SBU) Present at the courthouse were Nguyen Thanh Nhan and Nguyen Hieu Nghia, two of the Mennonite 6 that were released in December 2004. (Per ref D, the two brothers alleged severe torture in prison, although our interviews with them in January cast serious doubt on their claims.) At the court, the two brothers appeared in good health and fully mobile, although Nhan complained of constant pain in his left leg, and an inability to bend his back.

4. (SBU) At the trial we also met with Le Quang Du, father of Le Thi Hong Lien. Du said that he visited Lien on 10 April at the

Bien Hoa mental hospital. He stated that she had regained her awareness, recognized him, but complained of continued beatings and physical abuse. However, in phone conversations with Du in late March and early April, Lien's father said that he was relieved that Lien had recovered and said she did not complain of new abuse. Her father told us that, in fact, Lien had asked him to request her transfer back to prison as the other residents at the mental hospital were scaring her. (Ref E reports more on the status of Lien.)

Lawyer bemoans lack of "rule of law"

-----

15. (SBU) Nguyen Van Dai, Pastor Quang's lawyer for the appeal, met with us on April 8 and again on April 12 following the appeal. At the second meeting Dai was accompanied by Presbyterian Pastor Ho Tin Khoa, an associate of Pastor Quang, reportedly at Quang's request. Dai told us that he met with Pastors Quang and Thach in the days before the appeal to review his legal strategy and to check on their welfare. Dai said both appeared physically and mentally healthy.

16. (SBU) Dai said that at the appeal, his strategy was not to contest the "facts" as presented by the prosecution, but to challenge the legal basis for charging Quang with criminal violations. Dai attempted to argue that the violations for which

the Mennonite 6 were charged should only have merited a fine, not prison.

17. (SBU) Dai maintained that the judge did not address the question of law that he raised. The judge also denied a motion to allow lawyer Bui Duc Truong to represent Pastor Thach at the appeal. (Truong represented Thach at the original November trial.) The judge also barred Truong from even being present in the courtroom as an observer. Dai charged that the judge "tricked him" into missing an opportunity to cross-examine the prosecution's witnesses. Once he receives the court's written decision -- expected by April 22 -- he and Quang will decide whether another appeal is possible on procedural or other grounds.

18. (SBU) Dai confirmed previous reports that Quang had rejected a plea bargain deal (ref F) in which Quang would drop his appeal and that he and the remaining Mennonite prisoners would be released with time served. He said that Quang considered the offer, but could not accept on principle, as he believed he had done nothing wrong. Quang believed that accepting a plea deal would validate the State's accusation against him.

The Truth Is Tough Enough

-----

19. (SBU) We discussed with Dai and Pastor Khoa indications that the Mennonites had embellished or exaggerated accounts of abuse. We emphasized that such actions undermine not only their credibility, but could jeopardize other efforts to highlight real shortcomings in human rights and religious freedom in Vietnam. Pastor Khoa said that in the past the Mennonites had embellished stories out of emotion or to generate international attention. Khoa added that he was encouraged that local officials of the Fatherland Front had begun to consult with him on legalization of his house church's status under Vietnam's new legal framework on religion.

110. (SBU) Dai said that Pastor Thach had commented to him that during the first month following his arrest he was beaten once, slapped by a police officer on another occasion and verbally abused repeatedly. Thach told Dai that, after that first month, conditions improved. Dai's understanding is that none of the other Mennonite 6 received any worse treatment than Thach. In our April 12 meeting, Dai said that Pastor Quang did not complain of abuse, when he met him in prison for two hours on April 9. As we discussed the series of confrontations between Quang and police in the months before his arrest, Dai said that Quang confided that, upon his release, he would take a "softer line" in dealing with local authorities.

Role of the USG and RFA

-----

111. (SBU) In our second meeting, Dai asked what the USG would do to support Quang. We reiterated the USG commitment to greater religious freedom and respect for human rights for all Vietnamese but did not commit to any specific action on Quang's behalf other than reporting developments to Washington. We emphasized that we understood that the courts in Vietnam were not independent and that ruling on the appeal was not a surprise, irrespective of the quality of the defense's legal arguments. However, we also pointed out that Pastor Quang's provocative behavior prior to his arrest and the misleading statements issued by the Mennonites over their treatment complicated the situation.

112. (SBU) Following our meeting, Dai gave a phone interview with Radio Free Asia, in which he stated that "[U.S. diplomats] understood that the sentence was not fair to Mr. Quang" and, that "the USG would have appropriate measures to help Mr. Quang to be

released early." On the morning of April 13 we spoke with Dai, who said that he had been became overly emotional during the RFA interview. He claimed that, because of these emotions, he did not pay attention to what he said and acknowledged that he mischaracterized our conversation to RFA and promised to retract or clarify his statement. On April 14, Dai emailed us a copy of a fax he sent to RFA in which he said that the U.S. diplomats did not commit to taking measures to secure Quang's early release.

13. (SBU) Comment: Refs A and B contain suggested "if asked" press guidance and background to correct Dai's assertions to RFA. Dai's private acknowledgement that the Mennonites should stick to the facts and his subsequent clarification to RFA are encouraging. However, overall, the organization can't seem to break itself of the habit of spinning for an international audience. Unfortunately, such acts poison the waters with Vietnamese officialdom even as the GVN is beginning to reach out to the house church movement. Despite the Mennonites media excesses, there are reasons to be concerned -- but not surprised -- over how the courts handled Quang's appeal, but we reserve final judgment until we obtain and read the written ruling on Quang's appeal. End comment.

WINNICK

NNNN